

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Section 63.71 Application of |) | |
| Verizon Maryland LLC, |) | WC Docket No. 19-235 |
| Verizon New Jersey LLC, |) | |
| Verizon New York LLC, and |) | |
| Verizon Pennsylvania LLC |) | |

**COMMENTS IN RESPONSE TO THE SECTION 63.71 APPLICATION OF
VERIZON INCUMBENT LOCAL EXCHANGE COMPANIES BY**

**THE MARYLAND OFFICE OF PEOPLE'S COUNSEL,
THE NEW JERSEY DIVISION OF RATE COUNSEL,
THE PUBLIC UTILITY LAW PROJECT OF NEW YORK, INC. AND
THE PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE**

Paula M. Carmody
People's Counsel
Maryland Office of People's Counsel
6 St. Paul Street, Suite 2102
Baltimore, Maryland 21202
(410) 767-8150

Stefanie A. Band
Director
New Jersey Division of Rate Counsel
140 East Front St., 4th Floor
PO Box 003
Trenton, New Jersey 08625
(609)984-1460

Richard Berkley, Esq.
Executive Director
Public Utility Law Project of New York, Inc.
90 S. Swan Street, Ste. 305
Albany, New York 12210
(585) 270-1097

Tanya J. McCloskey
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717)783-5048

Dated: November 18, 2019

I. INTRODUCTION

The Maryland Office of People’s Counsel,¹ the New Jersey Division of Rate Counsel,² the Public Utility Law Project of New York, Inc.,³ and the Pennsylvania Office of Consumer Advocate⁴ (collectively “Consumer Advocates”) submit these comments in response to the above-captioned Section 63.71 Application of Verizon Incumbent Local Exchange Companies (“Application”) filed with the Federal Communications Commission (“FCC”) on August 14, 2019. In the Application, Verizon states that it has provided notice, on behalf of the designated affiliates, of its intent to discontinue certain domestic dominant carrier telecommunications services. On October 18, 2019, the Wireline Competition Bureau issued a Public Notice seeking comment on the Application.⁵

Verizon’s Application included a statement that in compliance with Section 63.71 of the FCC’s rules it was sending copies to the governor and public utilities commission in each affected state. Consumer Advocates have statutory obligations to represent the interests of consumers. However, because Consumer Advocates are independent agencies entirely separate from their public utilities commission, Verizon did not serve Consumer Advocates with copies of the Application. Consumer Advocates have therefore had little opportunity to investigate the

¹ Maryland OPC is an independent state government agency with a statutory duty to represent the concerns of Maryland’s residential telecommunications customers. Maryland Code Ann., Public Utilities Article (PUA) §2-204.

² The Division of Rate Counsel is an independent New Jersey State agency that represents and protects the interests of all utility consumers, including residential, business, commercial, and industrial entities. The Rate Counsel, formerly known as the New Jersey Ratepayer Advocate, is in, but not of, the Department of Treasury. N.J.S.A. § 52:27EE-46 et seq.

³ The Public Utility Law Project of New York, Inc., is a 501c3 nonprofit organization that has been advocating for universal service, affordability, and customer protection for New York State utility consumers since 1981.

⁴ The Pennsylvania Office of Consumer Advocate (“Pa. OCA”) is an independent state office administratively within the Pennsylvania Office of Attorney General. The Pa. OCA is empowered by Pennsylvania statute to represent the interests of consumers before the Pennsylvania Public Utilities Commission and similar federal regulatory agencies and before state and federal courts.

⁵ *Comments Invited on Section 214 Application(s) to Discontinue Domestic Dominant Carrier Telecommunications Services*, WC Docket No.19-235 (DA 19-1049).

impacts of the discontinuance on Verizon's customers in our states. Consumer Advocates submit these comments to express our concerns about the lack of sufficient information in the Application to allow a complete understanding of the impact of the requested discontinuance in our jurisdictions.

Section 214 of the Communications Act require Incumbent Local Exchange Carriers ("ILEC") to file an application to discontinue service.⁶ FCC rules provide that a Section 214 application may be "deemed granted" on the 31st day after filing.⁷ This provision is reflected in DA-19-1049, issued by the Wireline Competition Bureau, which states that the application "will be deemed granted automatically on December 17, 2019." Consumer Advocates request that at a minimum, the FCC notify Verizon that the Application will not be deemed effective on December 17, 2019, and require Verizon to make a more detailed showing as described below.

II. CONSUMER ADVOCATES OPPOSE THE GRANTING OF THIS APPLICATION FOR RELEVANT SERVICES IN MARYLAND, NEW JERSEY, AND PENNSYLVANIA

In the Application, Verizon proposes to gradually eliminate the provision of Voice Grade/Voiceband Service, WATS Access Line Service, Digital Data Service, DIGIPATH Digital Service II, Feature Group A, and Alternative Services and Products in the specified jurisdictions. In total, Verizon is requesting permission to terminate interstate service to 306 retail customers and 28 wholesale customers in 646 wire centers in multiple states.⁸ Section 63.71 allows service

⁶ 47 USC 214(a).

⁷ 47 CFR 63.71(f).

⁸ Verizon's identification of the number of customers affected does support an inference that the impact will be minor or easily managed by the customers. Discontinuance of service to one customer may have far-reaching public impact. For example, in the matter of an AT&T Section 63.71 Application (WC Docket No. 19-238), NOAA/National Weather Service filed comments in opposition to AT&T's proposed discontinuance of services over copper-based circuits. As NOAA/NWS explained, the time frame for discontinuance proposed by AT&T,

to be discontinued “unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected.” Verizon’s Application does not contain sufficient information for Consumer Advocates to determine if a reasonable substitute is available to the affected customers or if the public convenience and necessity will be affected by the proposed discontinuance of service. Accordingly, Consumer Advocates request that the FCC require Verizon to file a more detailed showing regarding the availability of alternative services to the affected customers and the potential impact on the public convenience and necessity.

Specifically, Consumer Advocates note that the following information is necessary to allow Consumer Advocates to determine whether the proposed discontinuance adversely affects customers in their jurisdictions:

- The specific wire centers where existing customers will lose service;
- The number of customers in each affected wire center;
- Whether Verizon will transition the affected wire centers to fiber;
- Whether a functional equivalent exists in the affected wire centers;
- Whether the customers in each wire center are retail or wholesale;
- The nature of the services provided by the wholesale customers;
- Whether wholesale customers will be transitioned to fiber; and
- Whether Verizon has discussed transition plans with the wholesale customers.

based upon Section 63.71, would be unworkable for the agency’s complex communications network needs and budgeting process. NOAA/NWS stated that “[a] discontinuance of copper-based service to any particular facility has significant potential to endanger life and property that the agency is required to protect.” See NOAA/NWS Comments filed Sept. 27, 2019. Available at: <https://ecfsapi.fcc.gov/file/1092737388549/NWS%20Comments%20to%20WC%20Docket%20No.%2019-238.pdf>.

Additionally, the notice to customers included as Exhibit B does not contain sufficient information to determine whether it complies with the requirements of Section 63.71(a)(6). The following information in the notice is unclear:

- Verizon indicates that the discontinuance is related to the copper to fiber transition, but there is no mention of potential loss of line power as required by Section 63.71(a)(6)(i);
- While the notice indicates that Verizon may provide replacement service, there is no mention of what security responsibility the customer will have or steps the customer may take to ensure safe use of the replacement service as required by 63.71(a)(6)(iii) & (iv).

Without specific information about affected wire centers and customers, and more information regarding the notice to customers, Consumer Advocates are unable to determine whether the proposed discontinuance will adversely affect the public convenience and necessity in our jurisdictions.

III. CONCLUSION

For the reasons stated above, Consumer Advocates respectfully urges the FCC to notify Verizon that the Application will not be deemed effective on December 17, 2019. Additionally, Consumer Advocates respectfully requests that the FCC require Verizon to make a more detailed filing that includes the above information to allow Consumer Advocates to determine whether the proposed discontinuance will leave its customers without service when Verizon completes the proposed discontinuance of Voice Grade and other copper-circuit based interstate services.

Respectfully submitted,

Paula M. Carmody
People's Counsel
Maryland Office of People's Counsel
6 St. Paul Street, Suite 2102
Baltimore, Maryland 21202
(410) 767-8150

/s/ Anna Ryon,
Assistant People's Counsel

Stefanie A. Band
Director, New Jersey Division of Rate Counsel
140 East Front St., 4th Floor
PO Box 003
Trenton, New Jersey 08625
(609)984-1460

/s/ Maria T. Novas-Ruiz,
Assistant Deputy Rate Counsel

Richard Berkley, Esq.
Executive Director
Public Utility Law Project of New York, Inc.
90 S. Swan Street, Ste. 305
Albany, New York 12210
(585) 270-1097

s/ Richard Berkley, Esq.
Executive Director

Tanya J. McCloskey, Esq.
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717)783-5048

/s/ Barrett C. Sheridan,
Assistant Consumer Advocate

Dated: November 18, 2019.